



North Coast Regional Water Quality Control Board

October 4, 2021

Bayo Aregbe
1815 Osage Ave
Hayward, CA 94545

Certified Mail 7016 0750 0001 0048 6382

Javier Perez
Buckingham Green LLC
2400 Sea Biscuit Drive
Philo, CA 94566
javier@buckinghamgreenfarms.com
javier@networksystempro.com

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Dear Bayo Aregbe and Javier Perez:

Subject: Notice of Violation, Transmittal of Inspection Report for September 8, 2021 Inspection of Mendocino County Assessor's Parcel 128-230-19

File: Cannabis Program Inspections, Mendocino County, September 8, 2021, CIWQS Place ID 526285

THIS LETTER REQUIRES THAT YOU ACT WITHIN 30 DAYS

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Mendocino County Assessor's Parcel Numbers: 128-230-19 (the Property):

1. State Water Resources Control Board Order No. WQ 2019-0000-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order)
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Action Plan for Logging, Construction, and Associated Activities

According to our records, the cannabis cultivation operation located on this Property is enrolled for coverage under the Cannabis General Order as Tier 1 Moderate Risk to water quality.

GREGORY A. GIUSTI , CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

On September 8, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation in hoop houses on a ridge top. Accordingly, this letter directs you to address the violations noticed herein. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

Background

On March 24, 2018, Javier Perez submitted information through the State Water Resources Control Board's (State Water Board's) online portal for discharges of waste associated with cannabis cultivation related activities for APN 128-230-19, and listed Javier Perez as landowner of the Property; the same mailing address was provided for both parties. Based on the information submitted by Applicant, the cannabis cultivation activities are classified as Tier 1 Moderate Risk. Effective March 24, 2018, the Property was transitioned into State Cannabis Order No. WQ 2019-0001-DWQ, WDID 1_23CC401341.

LandVision records show that the Property was sold to Bayo Aregbe, by Javier Perez, on May 28, 2019. The Regional Water Board has not received any notification of change of discharger for the enrollment.

On September 8, 2021, staff from the Regional Water Board, accompanied by staff of CDFW, State Water Board Division of Water Rights, and personnel of various law enforcement agencies, inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state. During the inspection, staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the Cannabis General Order.

Attached is a copy of the water quality inspection report (Attachment B – Property Inspection Report). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and advises you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

Relevant Requirements

During the inspection, Regional Water Board staff identified several features and conditions on the Property that represent violations of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these, and related, requirements and regulations.

Observed Violations

As documented in the September 8, 2021 inspection report, Regional Water Board staff observed violations of the Basin Plan for the threatened discharge of sediment to a

watercourse associated with concentrated road runoff. Staff observed this violation at Property locations identified in the inspection report as WQ1.

Site Management Plan (SMP)

Pursuant to the Cannabis General Order, all enrollees must submit a Site Management Plan (SMP) within 90 days of enrollment. Enrollees in Moderate Risk must submit a Site Erosion and Sediment Control Plan. As of the date of this letter, neither an SMP or a Site Erosion and Sediment Control Plan has been submitted. Additionally, the deadline for submitting your SMP has passed.

Potential Liabilities

The Regional Water Board is in the process of considering whether the violations of the Water Code and the Basin Plan warrant further enforcement. We encourage you to take steps, to correct the violations as soon as possible, securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as observed and documented in the Inspection Report, may represent continuing violations of the Water Code and Basin Plan.

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office.

Inspection Report Recommendations

As mentioned above, the September 8, 2021 Inspection Report provides recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality. **Within 30 days of this letter**, please advise Regional Water Board staff Adona White of your intentions, plan, and schedule to implement recommendations in the inspection report. If you have questions about what is required of you to comply with the requirements outlined above, and to advise as to your plan and schedule to correct the alleged violations, please contact Regional Water Board staff Adona White by email at Adona.White@waterboards.ca.gov or by phone at 707-576-2672.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

You may also contact me at Diana.Henrioulle@waterboards.ca.gov. Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

Diana Henrioulle
Senior Water Resource Control Engineer
Enforcement Unit

Filename

Attachments: Attachment A - Regulatory Citations
Attachment B – Facilities Inspection Report

Certified Mail – Return Receipt requested

cc: North Coast Regional Water Quality Control Board
Northcoast.Cannabis@waterboards.ca.gov
Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov
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Division of Water Rights

Stormer Feiler, Stormer.Feiler@waterboards.ca.gov
Taro Murano, Taro.Murano@waterboards.ca.gov
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Department of Fish and Wildlife-Eureka

Cori Hansen, Cori.Hansen@waillife.ca.gov
Tim Dodson, Timothy.Dodson@wildlife.ca.gov

Attachment A – Regulatory Citations

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 2	Prohibits “[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses.”
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	State Water Resources Control Board Cannabis Cultivation Policy and General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf and https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf